IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 18253 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GAFOOR IBRAHIM KATIA

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 18253 of 2003

MR MA BUKHARI for Petitioner No. 1

MS MEGHA JANI for Respondent No. 1

RULE SERVED for Respondent No. 1,2

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 28/04/2005

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution of India, the petitioner, an employee of the Railway Department has prayed for an appropriate, writ, order or direction directing the respondents to consider and grant financial relief as per the Earthquake relief

policy and the norms of the Government for the death of his mother, Punaiben. It is the case of the petitioner that the petitioner has time and again represented to the respondents authority for giving Earthquake relief benefit and though all the necessary documents which were demanded are supplied the Earthquake relief compensation is not paid to the petitioner.

2. In response to the notice issued by this Court, Ms. Megha Jani, learned advocate appears on behalf of the respondent authority. An affidavit-in-reply is also filed on behalf of the respondents. It is submitted that as relevant data and particulars are not supplied no decision has been taken. It is pointed out in the affidavit-in-rejoinder that the petitioner has already submitted to them whatever documents demanded which were available with the petitioner and no further documents are required according to the petitioner.

3. Considering the facts and circumstances of the case, the respondents are directed to take an appropriate decision considering the averments made in the petition, affidavit-in-reply and the affidavit-in-rejoinder and the documents which are annexed along with the petition as well as to the affidavit-in-rejoinder as early as possible preferably within 2 months from the date of receipt of this order. If for some reason it is found by the respondent authorities that still certain other documents are required the appropriate authority may consider to waive the same if those other documents are not too important and relevant for the purpose.

4. With the aforesaid observations and direction, the present Special Civil Application is disposed of at this stage. Rule is made absolute to the aforesaid extent. It will be open for the petitioner to revive the petition in case of difficulty. The Office is directed to send copy of this writ immediately.

{ M.R. Shah, J. }
rmr.